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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,847	03/05/2002	Mieko Kusano	US 028011	9431

7590 01/13/2005

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EXAMINER

CHUONG, TRUC T

ART UNIT PAPER NUMBER

2179

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/092,847

Applicant(s)

KUSANO ET AL

Examiner

Truc T Chuong

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/03 and 5/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 16-20 are objected to because of the following informalities: the Applicant should not use an acronym in the claims, e.g., "SW" for software in claims 16-20. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Windows Screen Captures (hereinafter "Window", figures 1-4, Copyright 1981-1998).

From Microsoft Windows (vision 1981-1998) → Window Explore (fig. 1) → select any sub-menu under (C) on the left side of the screen, in this case is Temp (fig. 2) → click on the right side of the screen → View → Large Icons (fig. 3) → fig. 4 clearly shows the differences between the sub-menu elements on the left window and the sub-menu icons on the right window.

As to claim 1, Window teaches method of displaying a menu with a GUI for representing a plurality of user-controllable options, comprising:

- at least two sub-menus (figs. 2-4),

wherein:

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a user can select a specific one of the sub-menus (Temp, fig. 2);

upon selection, the specific sub-menu is graphically represented in a prominent manner and another sub-menu is graphically represented in an unobtrusive manner (the sub-menu listing as icons is easier for the user to view than the sub-menu elements of Temp on the left window, figs. 3-4).

As to claim 2, Window teaches the method of claim 1, wherein said unobtrusive manner is achieved by using at least one of the following techniques:

- representing the other sub-menu with a higher degree of semi-transparency, compared to the specific sub-menu, with respect to a background;
- representing the other sub-menu with a lower degree of contrast and the specific menu with a higher degree of contrast (the icons on the right is bigger and more standout than the one on the left, figs. 3-4).

As to claim 3, Window teaches the method of claim 1, wherein said unobtrusively manner is achieved by displaying said other sub-menu as being part of at least:

a background motive;

a background graphics art (History icon of figs. 3-4).

As to claim 4, Window teaches the method of claim 1, wherein said unobtrusive manner is achieved by using at least one of the following techniques:

- representing the other sub-menu using a smaller size and the specific sub-menu with a bigger size (the icons on the right is bigger than the one on the left, figs. 3-4);
- representing the other sub-menu using fewer details and the specific menu using more details.

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As to claim 5, Window teaches the method of claim 4, wherein a pictorial graphical representation is used for displaying the other sub-menu (figs. 3-4 shows images, icon History, and flying windows).

As to claims 6-10, they are system claims of method claims 1-5. Note the rejections of claims 1-5 above respectively.

As to claims 11-15, they are similar in scope to the method claims 1-5 above; therefore, rejected under similar rationale.

As to claims 16-20, they are software product claims of method claims 1-5. Note the rejections of claims 1-5 above respectively.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaply et al. (U.S. Patent No. 5,841,420) teach transparency, menu, image, and different sizes of the objects (cols. 2-11 and figs. 1A-9).

Haynes et al. (U.S. Patent No. 6,177,941 B1) teach menu, transparency, graphic, and GUI (cols. 2-5 and figs. 2-6).

Prochl et al. (U.S. Patent No. 6,690,391 B1) teach transparency, menu, and sub-menu (cols. 1-13 and figs. 5-18).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

01/07/05

  
BA HUYNH  
PRIMARY EXAMINER